

C O P Y 66-1131077

Opinion

1957

May 27

Philip C. Martin, D.D.S.
5 South State Street
Concord, New Hampshire

Dear Dr. Martin:

Your letter of May 17th, relative to your Commission as provided in Laws 1955, chapter 313, has been received. Your question is whether the State may acquire property for the purpose or resale or lease for the profits to be used for supporting projects such as building a lake, etc., under the eminent domain powers of the State.

The answer to that question is to be found in 66 N.H. at 647, in the Opinion of the Justices, which states in substance as follows:

A taking and sale of land by the state for the profit the state might make by the transaction would not be a public use of it within the law of eminent domain, or a public purpose within the law of taxation.

Sincerely yours,

William J. Deachman
Assistant Attorney General

WJD/lt

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